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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 CARLOS CORTEZ BURTON,

11 Petitioner,

No. 2:09-cv-3332 GEB KJN P

12 vs.

13 S. SWARTHOUT,

14 Respondent.

ORDER TO SHOW CAUSE

15 _____/
16 Petitioner is a state prisoner proceeding without counsel with an application for
17 writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 5, 2010, respondent filed a motion
18 to dismiss this action as barred by the one-year statute of limitations contained in 28 U.S.C.
19 § 2244(d). Petitioner has not filed an opposition to the motion. Local Rule 230(l) provides in
20 part: "Failure of the responding party to file written opposition or to file a statement of no
21 opposition may be deemed a waiver of any opposition to the granting of the motion"

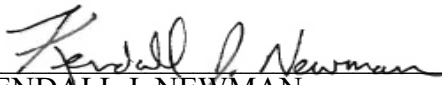
22 Good cause appearing, IT IS HEREBY ORDERED that petitioner show cause,
23 within twenty-one days, why his failure to oppose respondent's May 5, 2010 motion to dismiss
24 should not be deemed a waiver of any opposition to the granting of the motion. Petitioner is

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1 cautioned that failure to respond to the instant order, or to file an opposition to the pending
2 motion to dismiss, will result in a recommendation that this action be dismissed.

3 DATED: June 9, 2010

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7 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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